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T. D. Horne

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paglin *et al.*

Serial No. : 10/006,957

Examiner: Fischer, Latonia

Filed : December 4, 2001

Group Art Unit: 1623

For : INHIBITION OF VACUOLAR PROTON ATPASE ACTIVITY AND/OR  
THE MODULATION OF ACIDIC ORGANELLE FUNCTION SENSITIZES  
CELLS TO RADIATION, CHEMOTHERAPY AND BIOLOGICAL AGENTS

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as  
first class mail in an envelope addressed to: Assistant Commissioner for Patents,  
Washington, D.C. 20231, on January 28, 2003.

Attorney Name Carmella L. Stephens Registration No. 41,328

Signature Carmella L. Stephens Date of Signature January 22, 2003

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, DC 20231

In response to the Restriction Requirement dated December 31, 2002, please  
consider the following remarks. The Examiner has stated that the claims of the present  
application contain three inventions, which he has divided into the following groups:

- I. Claims 1-21 - drawn to methods of promoting cell death, classified  
in class 514, subclass 28;
- II. Claims 22-29 - drawn to methods for identifying a compound that  
activates or inhibits V-H+-ATPase activity, classified in class 435,  
subclass 7.23; and
- III. Claims 30-32 - drawn to methods for identifying a compound that  
inhibits acidic vesicular organelle acidification, classified in class  
435, subclass 7.2.

According to the Examiner, the inventions listed as groups I-III are unrelated

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because they are not capable of use together and they have different modes of operation, different functions, or different effects. In the instant case, the different inventions possess different functions. The Examiner alleges that while the function of Inventions II and III is to identify compounds, the function of Invention I is for promoting cell death. Additionally, the Examiner maintains that the inventions produce different effects. For example, identifying a compound that activates or inhibits ATPase activity, and identifying a compound that inhibits acidic vesicular organelle acidification, either of which may or may not be useful in a method for promoting cell death, indicates that the Inventions produce different effects.

The Examiner has required that Applicants restrict the prosecution of this application to one of the foregoing groups of claims.

In response, Applicants elect to pursue the claims of Group I (Claims 1-21) in this application without prejudice to the prosecution of the subject matter of non-elected claims in other patent applications.

Respectfully submitted,

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